

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEVON RAY HOCKEMIER,

Case No. 3:22-cv-00386-LRH-CLB

Petitioner,

v.

ORDERTIM GARRET, *et al.*,

Respondents.

Petitioner Devon Ray Hockemier, a *pro se* Nevada prisoner, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254, but he did not pay the \$5 filing fee or submit an IFP application.

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Petitioner informed this Court that he “turned in his financial certificate to [the] Lovelock Correctional Center,” but he had not received it back as of the filing of his habeas petition. (ECF No. 1-2.) Petitioner will have 45 days from the date of this order to submit his IFP application with all required documentation, or Petitioner may pay the \$5 filing fee.

IT IS THEREFORE ORDERED:

1. The initial screening of Petitioner’s Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration of Petitioner’s

- 1 Motion for Counsel (ECF No. 1-3) are deferred to until such time as he has fully
2 complied with this order.
- 3 2. **Within 45 days of the date of this order**, Petitioner must file an IFP application that
4 includes a: (a) financial certificate signed by Petitioner and an authorized prison
5 official, (b) financial declaration and acknowledgement signed by Petitioner, and
6 (c) copy of Petitioner's inmate account statement for the six-month period prior to
7 filing. Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner
8 decides to pay the filing fee from his inmate account, he must arrange to have a copy
9 of this order attached to the check for the filing fee.
- 10 3. Petitioner's failure to comply with this order within 45 days by (a) submitting a
11 complete IFP application, or (b) paying the filing fee will result in the dismissal of this
12 action without prejudice and without further advance notice.

13 DATED this 13th day of September 2022.

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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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